

FISCAL NOTE
HB 105 - SB 1879

February 8, 2005

SUMMARY OF BILL: Provides that to be eligible to be certified as a soil consultant, soil scientist or to obtain a permit as a subsurface sewage disposal system installer, an applicant must file a surety in the form of a bond, certificate of deposit or letter of credit in the amount of \$30,000 with the Department of Environment and Conservation. Bond or letter of credit is to be used for any person injured by fraud, misrepresentation, breach of contract, financial failure or violation of this provision and liability will be determined by an administrative action or by the filing of lawsuit.

ESTIMATED FISCAL IMPACT:


Increase State Expenditures - \$9,200 One-Time
\$114,400 Recurring

Assumptions:

- In 2004, there were 2,041 permitted subsurface sewage disposal system installers and 74 approved soil consultants. The Department of Environment and Conservation would review over 2,100 files to determine whether each one met the requirements before they are certified or permitted.
- The Department of Environment and Conservation would also have to review these 2,100 files annually to determine compliance.
- The Department of Environment and Conservation estimates that there will be 10 claims per year. Department staff would investigate each case and possibly hold administrative hearings; requiring two new staff positions: an Environmental Specialist 5 to make technical determinations, and an attorney to handle the hearings.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

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